

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rosenthal, Joshua

Application No.: 10/767,303

Filed: January 30, 2004

For: PORTABLE VAPORIZER

Examiner: Yoo, Regina M.

Art Group: 1744

STATEMENT OF PROVISIONAL ELECTION, UNDER 37 C.F.R. § 1.143

Dear Examiner Yoo:

We write to follow up on the Office Action for the above referenced patent application dated December 28, 2006, which indicated that the above referenced patent application is subject to a Restriction Requirement pursuant to *37 C.F.R. § 1.141*. Specifically, the Office Action indicated that the Claims are generic to the following disclosed patentably distinct species:

(I) Directed toward the invention disclosed in Figures 1, 2, 3, 4, and 8;

Claims 1 – 15

(II) Directed toward the invention disclosed in Figures 1, 3, 7, and 8;

Claims 1 – 9 and 16 – 21

(III) Directed toward the invention disclosed in Figures 5 and 6;

Claims 22 – 42

Accordingly, the Office Action required that the Applicant elect a single disclosed species for prosecution on the merits.

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Statement of Provisional Election – 35 USC § 121

The Applicant hereby elects to prosecute certain claims in the application without traversing the restriction requirement. The Applicant elects the following species: **I - Figures 1, 2, 3, 4, and 8.** The claims readable on these species are the following: Claims 1 – 15.

Thank you very much for your anticipated attention to this request and your continued prompt attention to this application. If you have any questions, please do not hesitate to contact the undersigned by telephone (310-892-1613) or e-mail (Marc@HankinPatentLaw.com).

Sincerely,

Hankin Patent Law, A Professional Corporation

Dated: February 28, 2007

/Marc E. Hankin/

MARC E. HANKIN

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